

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

MARTHA PRATER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Case No. 4:08-cv-83

Judge Mattice

ORDER

United States Magistrate Judge Susan K. Lee filed her report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on March 3, 2010 [Court Doc. 19]. Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Magistrate Judge Lee recommended that Plaintiff's Motion for Judgment on the Pleadings [Court Doc. 14] be granted. To the extent that Plaintiff requested a reversal of the Commissioner's decision and an award of benefits, Plaintiff's Motion is **DENIED**. To the extent that Plaintiff requested a remand of this action, Plaintiff's Motion is **GRANTED**. Accordingly, the Court **ORDERS** that Plaintiff's Motion for Summary Judgment [Court Doc. 14] is **GRANTED IN PART** and **DENIED IN PART** and that Defendant's Motion for Summary Judgment [Court Doc. 17] is **DENIED**. The Commissioner's decision denying benefits is **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g)

for further evaluation.

SO ORDERED this 25th day of March, 2010.

/s/Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE